

REMARKS

New claim 15 is presented including the transition phrase "consisting essentially of" to provide a claim of intermediate scope. The lubricity provided by a coating of the claimed composition is a basic and novel property that is not to be materially changed by additional components. The new claim is supported by the application as originally filed and no new matter is added.

Claims 1-2, 9 and 11 are rejected under 35 U.S.C. §102(b) as anticipated by Horikirigawa et al. (JP 2002-235016). Applicant traverses the rejection to the extent that it can be maintained.

Applicant claims a lubricant composition comprising a rice bran ceramic (RBC) powder suspended in a liquid resin for forming a dry lubricant film having a low coefficient of friction. Applicant respectfully submits that the composition of Horikirigaga et al. is not substantially the same as the composition claimed by Applicant and is not capable of providing a film forming lubricant.

In sharp contrast, Horikirigawa et al. disclose a coating material for tile floors to prevent slips and falls. The composition comprises a carbonization powder, a ceramic powder, and the like, having a high coefficient of friction and a solvent [Abstract, and paragraphs 0002 and 0003, for example]. The carbonization powder is obtained from heating a mixture of rice bran and resin to 800-1000 °C [paragraph 0012]. (Note that the term "resin" is used by Horikirigawa et al. to describe the preparation of carbonization powder, to describe an optional organic binder for carbonization powder and ceramic powder and also to describe a type of flooring tile [paragraphs 0009 and 0010].) The ceramic coating material may contain a binder to facilitate forming tiles by a molding process. The binder may be an organic or an inorganic material as appropriate for the type of tile being formed [paragraph 0008]. The ceramic coating material is applied to the surface of a ceramic tile formed in a mold and calcined at 800-1400 °C to provide a ceramic tile, or applied to a vinyl tile cured at 100-500 °C to provide a vinyl floor tile, the tiles having a slip resistant surface [paragraph 0005]. Applicant submits that the coating material is simply a grit (carbonization powder and ceramic powder) incorporated into the surface of a tile in the calcining or curing step of forming the tile and does not result in a film on the tile.

Applicant respectfully submits that it is an inherent contradiction that a coating containing carbonization powder and ceramic powder that provides frictional resistance to prevent slips and falls also functions as a lubricant. The coating material disclosed by Horikiri-gawa et al. fails to enable the claimed lubricant and therefore does not anticipate claims 1-2, 9 and 11 [MPEP 2121]. Applicant requests that the rejection on this ground be withdrawn.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Horikiri-gawa et al. (JP 2002-235016). Applicant traverses the rejection to the extent that it can be maintained.

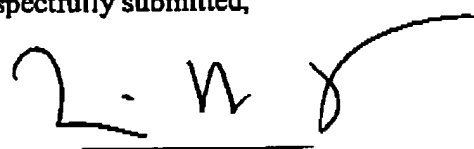
Claim 3 depends from claim 1. For the reasons explained above, claim 1 is patentable over Horikiri-gawa et al., and therefore claim 3 is also allowable. Applicant requests that the rejection of claim 3 on this ground be withdrawn.

New claim 15 includes the transition phrase "consisting essentially of" to provide a claim of intermediate scope. The lubricity provided by a coating of the claimed composition is a basic and novel property that is not to be materially changed by additional components. The coating composition of Horikiri-gawa et al. includes ceramic powder that inherently provides frictional resistance. Likewise, a film forming composition that includes ingredients that increase the frictional resistance of a surface is excluded from the scope of the claim. Applicant respectfully submits that new claim 15 is allowable over the art of record.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

6 June 2006
Date



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